

EXHIBIT “A”

LAW OFFICE OF DAVID J. DON, PLLC
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 William J. Walker – I.D. #005337
Attorneys for Plaintiff Leciah Laughton.

RECEIVED
 JUN 29 2015

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 IN AND FOR THE COUNTY OF MARICOPA

CV 2015-007482

LECIAH LAUGHTON, a single woman,

Case No. _____

Plaintiff,

SUMMONS

vs.

TENET HEALTHCARE
 CORPORATION, a Nevada corporation;
 VHS OF ARROWHEAD, INC., a Delaware
 corporation dba ABRAZO ARROWHEAD
 CAMPUS aka ARROWHEAD HOSPITAL;
 ABRAZO HEALTH CARE, a company
 owned and/or operated by Tenet Healthcare
 Corporation; THYSSENKRUPP
 ELEVATOR CORPORATION, a Delaware
 corporation; TIM RILEY, an Arizona
 resident; JOHN DOES I-X; JANE DOES I-
 X; TIM RILEY, an individual; ABC
 CORPORATIONS I-X; and XYZ
 PARTNERSHIPS I-X,

Defendants.

If you would like legal advice from a lawyer,
 contact the Lawyer Referral Service at
 602-257-4434

or

www.maricopalawyers.org

Sponsored by the
 Maricopa County Bar Association

TENET HEALTHCARE CORPORATION

C/o The Corporation Trust Company of Nevada, Statutory Agent
 311 South Division Street
 Carson City, Nevada 89703

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time applicable in this action in this Court. If served within Arizona, you shall appear and defend within 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona - whether by direct service, by registered or certified mail, or by publication - you shall appear and defend within 30 days after the service of the Summons and Complaint upon you is complete, exclusive of the day of service. Where process is served upon the Arizona Director of Insurance as an insurer's attorney to receive service of legal process against it in this state, the insurer shall not be required to appear, answer or plead until expiration of 40 days after date of such service upon the Director. Service by registered or certified mail without the State of Arizona is complete 30 days after the date of filing the receipt and affidavit of service with the Court. Service by publication is complete 30 days after the date of first publication. Direct service is complete when made. Service upon the Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of Compliance and return receipt or Officer's Return.

YOU ARE HEREBY NOTIFIED that in case of your failure to appear and defend within the time applicable, judgment by default may be rendered against you for the relief demanded in the Complaint.

YOU ARE CAUTIONED that in order to appear and defend, you must file an Answer or proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee, within the time required, and you are required to serve a copy of any Answer or response upon the Plaintiff[s]' attorney.

The names and addresses of Plaintiff(s)' attorneys are:

David J. Don
LAW OFFICE OF DAVID J. DON, PLLC
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 Phoenix, Arizona 85012

William J. Walker
WILLIAM J. WALKER, P.C.
 2177 E. Warner Rd. #107
 Tempe, Arizona 85284

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a scheduled proceeding. Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

1 SIGNED AND SEALED this Date: _____

COPY

2
3 Clerk

JUN 17 2015

4 By

Deputy Clerk



MICHAEL H. JEANES, CLERK

D. CONCHOLAR
DEPUTY CLERK

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 Attorneys for Plaintiff Leciah Laughton

COPY

JUN 17 2015



MICHAEL K. JEANES, CLERK
 D. CONCHOLAR
 DEPUTY CLERK

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
 IN AND FOR THE COUNTY OF MARICOPA

LECIAH LAUGHTON, an individual,

Plaintiff,

vs.

TENET HEALTHCARE CORPORATION,
 a Nevada corporation; **VHS OF**
ARROWHEAD INC., Delaware
 corporation dba **ABRAZO ARROWHEAD**.
CAMPUS aka **ARROWHEAD**
HOSPITAL; **ABRAZO HEALTH CARE**, a
 company owned and/or operated by
 Tenet Healthcare corporation;
THYSSENKRUPP ELEVATOR
CORPORATION, a Delaware
 corporation; **TIM RILEY**, an Arizona
 resident; **JOHN DOES I-X**; **JANE DOES**
I-X; **ABC CORPORATIONS I-X**; and **XYZ**
PARTNERSHIPS I-X,

Defendants.

Case No.: CV 2015-007482

COMPLAINT

1 Plaintiff, Leciah Laughton ("Plaintiff"), sues Defendants for compensatory
2 damages, injunctive relief, attorneys' fees and costs pursuant to the Arizona
3 Disabilities Act (AzDA), A.R. S. § 41- 1492, *et seq.* and Arizona common law of
4 negligence.

5 JURISDICTION AND VENUE

6 1. This action arises from violations of the Arizona with Disabilities Act
7 ("AzDA"), A.R. S. § 41- 1492, *et seq.*, which incorporates the standards of Title III of the
8 Americans with Disabilities Act, 42 U.S.C. § 12181, *et seq.* ("ADA"), and Arizona state
9 law of negligence.
10

11 2. Defendants have caused Plaintiff to suffer injuries at a property known as the
12 "Arrowhead Community Hospital," located at or about 18701 N. 67th Avenue in Glendale,
13 Arizona.

14 3. Defendant Tenet Healthcare Corporation is a Nevada corporation and upon
15 belief the parent corporation of Abrazo Health Care. Defendant VHS of Arrowhead Inc. is
16 a Delaware corporation. Defendant Abrazo Health Care is a parent company of
17 Defendant Tenet Healthcare Corporation. On information and belief, these Defendants
18 Tenet Healthcare Corporation, VHS of Arrowhead Inc., Abrazo Health Care and/or its
19 subsidiary are doing business as Arrowhead Community Hospital (hereinafter
20 Defendants Arrowhead Hospital) and own, operate, lease or lease to others the
21 Arrowhead Community Hospital.
22

23 4. Defendant ThyssenKrupp Elevator Corporation ["ThyssenKrupp"] is a
24 Delaware corporation, authorized to do and doing substantial business in Maricopa
25 County, State of Arizona. Defendant ThyssenKrupp acting through its agents and/or
26

1 servants and/or employees caused an event to occur in the State of Arizona, which is the
2 subject of this lawsuit.

3 5. Defendant Tim Riley is an Arizona resident. Upon belief he is employed by
4 other Defendants as the Director of Facility Service at Arrowhead Hospital.

5 6. Defendants John Does I-X, Jane Does I-X, ABC Corporations I-X, and XYZ
6 Partnerships I-X are various individuals, corporations, partnerships, officers, principals,
7 affiliates, trustees, trainees, employees, partners, agents, or representatives of the
8 named Defendants herein, who have contributed to the negligence alleged herein. The
9 true names of the fictitious Defendants are unknown to the Plaintiff at this time and at
10 such time as the true names of said Defendants are ascertained, Plaintiff will seek leave
11 of this Court to substitute them for the fictitious name in which they are sued.

12 7. Venue is proper as the property which is the subject matter of this claim is
13 located in Maricopa County, Arizona and the Defendant is doing business in Maricopa
14 County, Arizona.

15 8. The amount in controversy exceeds the minimal jurisdictional limits of this
16 Court.

17
18 **PLAINTIFF AND STANDING**

19 9. Plaintiff, Leciah Laughton, is an Arizona resident. She suffers from medical
20 conditions that compromise her ability to ambulate. She requires assistive devices for
21 mobility. She is disabled under the meaning of the AzDA.

22 10. Plaintiff resides in Maricopa County, Arizona and travels to Defendant's
23 property for medical treatment and to visit patients. Plaintiff has visited the Defendants'
24 hospital a number of times for treatment and for visiting patients including on or about
25
26

1 June 20, 2013, to enjoy the goods and services at the hospital as Defendant offers them
2 to non-disabled members of the public.

3 11. Plaintiff plans to return to the Defendant's hospital to enjoy the goods,
4 services, privileges, advantages or accommodations being offered to non-disabled
5 members of the public, but is deterred from returning because of discriminatory
6 conditions on the property.

7
8 12. As a result of Defendants' AzDA violations and negligence, Plaintiff suffered
9 serious physical injuries. In addition, Plaintiff has suffered an injury under the AzDA
10 because she is aware of discriminatory conditions on the property and is being deterred
11 from visiting or patronizing the public accommodations.

12 13. Plaintiff's injury under the AzDA is concrete and particularized because she is
13 being deterred from visiting or patronizing the hospital.

14 14. Plaintiff's injury is caused as a direct result of Defendant's failure to construct
15 the property in compliance with the AzDA and its failure to remove discriminatory
16 architectural features on the property.

17 15. Plaintiff's injury will be redressed by the Court's ordering the Defendants to
18 comply with the AzDA and fully compensating her for her damages.
19

20 **STATEMENT OF THE CLAIM**

21 16. On June 20, 2013, Defendants Arrowhead Hospital invited members of the
22 public, including Ms. Laughton, to patronize their property.

23 17. Plaintiff entered the hospital to visit a patient. She was pushing a wheelchair,
24 along with her ventilator. She was accompanied by her two service dogs.
25
26

1 18. Unknown to Ms. Laughton, on June 19, 2013, Defendants Arrowhead
2 Hospital had placed Service Request Number 4730998 to ThyssenKrupp to repair the
3 lobby elevator after the doors closed on a patient. The Defendant Tim Riley knew or
4 should have known that the service request for the elevator had been made.

5 19. Despite knowing the elevator was malfunctioning, Defendants Arrowhead
6 Hospital and Tim Riley chose to keep the elevator in operation.

7 20. Defendants Arrowhead Hospital and Defendant Tim Riley knew, or had
8 reason to know, the elevator doors could close upon another person prior to the elevator
9 being repaired.

10 21. Not having received any warning from Defendants about the malfunctioning
11 elevator, Ms. Laughton entered the elevator in the main foyer with her two (2) service
12 dogs, and proceeded to the second floor.

13 22. Unable to get to the telemetry unit through the labor and delivery ward,
14 Plaintiff did not exit the elevator. She and her two (2) service dogs returned to the ground
15 floor.

16 23. Once Plaintiff was on the ground floor, Levi, her lead service dog, was
17 instructed to lead the way out.

18 24. On her service dog's way out, the elevator doors closed and crushed him.

19 25. The automatic opening mechanism, which Defendants were required to
20 provide, was not provided to Ms. Laughton.

21 26. Plaintiff was able to hit the open button and the alarm button; however, the
22 doors began opening and closing at a fast rate, continuing to crush her service dog.

1 27. As she was in fear of her service dog's life, Plaintiff was able to wedge her
2 body between the doors, in an attempt to have the doors stop.

3 28. However, the doors kept on opening and closing, this time crushing Plaintiff's
4 shoulders, neck, head, and jaw.

5 **COUNT ONE**

6 **(Arizonans with Disabilities Act- Defendants Tenet Healthcare Corporation,**
7 **VHS of Arrowhead Inc., Abrazo Health Care)**

8 29. Plaintiff incorporates all the paragraphs above.

9 30. Defendants' hospital is a place of public accommodation

10 31. Each Defendant has received notice long ago of its obligation to comply with
11 the AzDA and the required standard of the ADA. Defendants had actual and constructive
12 notice of its obligations under the AzDA and the requirements of the ADA since 1993:
13 Actual notice by virtue of notification provided by the Arizona legislature; constructive
14 notice by virtue of the enactment of the ADA and the standards of AzDA and the
15 associated publicity.
16

17 32. The purpose of providing accessible accommodations to people with
18 disabilities is to provide safe access for all people to participate in public life and thus
19 eradicate the harmful effects of disability discrimination.

20 33. Arizona legislatures recognize that "More than fourteen per cent of Arizonans
21 have one or more physical or mental disabilities, and this percentage is increasing as the
22 population as a whole is growing older. Historically, society has tended to isolate and
23 segregate individuals with disabilities, and, despite some improvements, such forms of
24 discrimination against individuals with disabilities continue to be a serious and pervasive
25 social problem. Discrimination against individuals with disabilities persists in critical areas
26

1 of public accommodations, transportation and access to public services." A.R.S. T. 41,
 2 Ch. 9, Art. 8, Refs & Annos.

3 34. Therefore, the Arizona legislature passed the AzDA to "[p]rovide a clear and
 4 comprehensive state mandate for the elimination of discrimination against individuals with
 5 disabilities." A.R.S. T. 41, Ch. 9, Art. 8, Refs & Annos.

6 35. Defendants have an affirmative obligation to identify the architectural barriers,
 7 policy and practices, and absence of medical equipment on its property that discriminate
 8 against people with disabilities.
 9

10 36. Defendants are operating the hospital with numerous architectural barriers.
 11 Among the most easily recognized architectural barriers to access encountered by
 12 Plaintiff at the hospital include:

- 13 a. Some of the "accessible" parking spaces (for example, along 67th Avenue),
 14 have slopes in excess of the 2.08% maximum.

15 ADAAG Reference:
 16 1991 Standards: 4.6.3
 2010 Standards: 502.4

- 17 b. In a number of locations, the bottom of the "accessible" parking space
 18 signage is mounted at less than the 60" minimum from the ground surface to the
 bottom of the sign.

19 ADAAG Reference:
 20 1991 Standards: 4.6.4
 2010 Standards: 502.6

- 21 c. Some of the parking access aisles at designated accessible parking spaces
 22 (for example, along 67th Avenue), have widths of 42" or narrower, less than the
 23 60" minimum.

24 ADAAG Reference:
 25 1991 Standards: 4.1.2(5)(a)
 26 2010 Standards: 502.3.1

1 d. In the women's restroom in the main hospital lobby, the exposed pipes
2 underneath the lavatory are missing required insulation.

3 ADAAG Reference:

4 1991 Standards: 4.19.4

5 2010 Standards: 606.5

6 e. In the women's restroom in the main hospital lobby, the paper towel
7 dispenser and other restroom dispensers are located at a height in excess
8 applicable reach ranges.

9 ADAAG Reference:

10 1991 Standards: 4.22.7, 4.2

11 2010 Standards: 606.1, 308.2

12 f. In the hotel lobby, the provided elevator door failed to open automatically
13 for obstructions.

14 ADAAG Reference

15 4.10.6.

16 g. Failure to provide accessible examination rooms, examination tables,
17 and/or other medical equipment for people with mobility impairments.

18 37. These barriers and others deter Plaintiff from visiting the property because
19 they are hurtful and demeaning symbols of discrimination and they increase the level of
20 difficulty for Ms. Laughton's physical access.

21 38. The identification of barriers listed above is far from comprehensive. Since
22 most barriers involve a matter of mere inches or degrees, by their very nature, Plaintiff
23 requires a site inspection with unfettered access to the property with tools such as a tape
24 measure, slope reader and note pad to provide a comprehensive list of barriers that
25 should be removed.

26 39. Defendants have, upon belief, restriped and/or resurfaced or otherwise
altered the parking spaces, access aisles and parking lot at the hospital since 1993.

40. In addition, Defendants have, upon belief, resurfaced and/or renovated or
otherwise altered the sidewalks, ramps, routes and other elements at the hospital since

1 1993, including the area of Ms. Laughton's injury.

2 41. Defendants have further, upon belief, altered portions of the interior of the
3 hospital, including the restrooms, and dining areas since 1993.

4 42. As a direct result of Defendants' conduct, Plaintiff has suffered
5 discrimination in the full and equal enjoyment of the goods, services, facilities, privileges,
6 advantages, or accommodations at Defendants' property on the basis of disability.

7 43. Defendants are subjecting Plaintiff to discrimination in some or all of the
8 following ways, namely:
9

10 a. denying Plaintiff the opportunity to participate in or benefit from Defendants'
11 business;

12 b. affording Plaintiff a benefit that is unequal to that afforded to other people,

13 c. providing Plaintiff with a separate benefit,

14 d. failing to provide Plaintiff with the most integrated setting appropriate,

15 e. denying Plaintiff the opportunity to participate in Defendants' programs or
activities that are not separate.

16 f. failing to make reasonable modifications in policies, practices or procedures
17 that would help people with disabilities.

18 g. failing to remove architectural barriers that are structural in nature that are
readily achievable.

19 h. failing to design or construct a facility that is readily accessible to and
20 useable by people with disabilities in accordance with the requirements of the ADAAG.

21 44. Defendants failed to alter its property to ensure that, to the maximum extent
22 feasible, the altered portions comply with ADAAG and are readily accessible to and
23 usable by individuals with disabilities, including individuals with mobility impairments.

24 45. Defendants are obligated to remove barriers which impair a disabled
25 person's access to the use and enjoyment of the Defendants' hospital.
26

1 46. Removal of each discriminatory barrier is readily achievable, i.e., easily
2 accomplishable and able to be carried out without much difficulty or expense.

3 47. No condition exists on the property making it structurally impracticable for
4 Defendants to satisfy in full the requirements of the ADAAG.

5 48. Plaintiff will suffer continued discrimination if the barriers to access existing
6 at Defendants' property are not removed.

7 49. As a direct and proximate result of the disability discrimination of Defendant
8 herein, Plaintiff has suffered, and continues to suffer, physical and mental injury,
9 including but not limited to, pain and discomfort, the exact nature of which will be shown
10 with specificity upon the trial hereof.

11 50. As a direct and proximate result of the disability discrimination of the
12 Defendant, Plaintiff has sustained, and will continue to sustain, medical expenses and
13 other expenses, the exact amount of which will be shown with specificity upon the trial
14 hereof.

15
16 **COUNT TWO**

17 **(Negligence – Tenet Healthcare Corporation, VHS of Arrowhead Inc., Abrazo Health**
18 **Care, ThyssenKrupp, Tim Riley)**

19 51. Plaintiff incorporates all the paragraphs above.

20 52. At all times mentioned, Defendants had a duty to the patients and visitors of
21 Arrowhead Community Hospital, including Plaintiff, to act reasonably and keep and
22 maintain the property in a reasonably safe condition for the use of its patients and
23 visitors.

24 53. Defendants owed a duty of care to Plaintiff to keep the property free of
25 unreasonably dangerous conditions that could cause injuries. Defendants knew or
26

1 should have known of the malfunctioning elevator should have reasonably anticipated
2 that hazardous injuries would arise.

3 54. Further, Defendants had a duty to warn Plaintiff of any unsafe conditions, a
4 duty to inspect the property for unsafe conditions, and a duty to take reasonable
5 precautions to protect the Plaintiff.

6 55. At such time and place, Defendants negligently controlled, maintained, and
7 managed the malfunctioning elevator as to negligently fail to protect Plaintiff and her
8 service dog from being injured.

9 56. Defendants further negligently failed to warn Plaintiff of any danger to which
10 the Plaintiff and her service dogs were exposed to, which danger Defendants knew, or in
11 the exercise of reasonable care should have known to exist, so as to allow Plaintiff and
12 her service dog to be struck by the malfunctioning elevator, resulting in severe and
13 possibly permanent injuries.

14 57. The injuries to Plaintiff and her service dog were caused solely by
15 Defendants' negligent failure to comport with the standard of care owed to Plaintiff, to
16 keep the property reasonably free of conditions, which could cause injuries.

17 58. The negligence of Defendants at the above time and place among other
18 things consisted of the following:

- 19
- 20 a. Carelessly and negligently permitting and allowing a malfunctioning elevator to
 - 21 remain accessible on the property;
 - 22 b. Failing properly to maintain the property, particularly as to the elevators in a
 - 23 safe condition for its patients and visitors;
 - 24 c. Failing to warn patients and visitors alike as to the malfunctioning elevator;
 - 25
 - 26

1 d. Failing to comply with the Arizonans with disabilities act; and

2 e. Failing to properly and adequately supervise and oversee the elevators as
3 to prevent hidden dangers on its property.

4 59. As a direct and proximate result of the negligence, Plaintiff has incurred
5 severe and possible permanent injuries, which have caused her to suffer great pain and
6 has injured her general health.

7 60. As a further direct and proximate result of the negligence of Defendants,
8 Plaintiff's injuries may be permanent and that in all reasonable probability the effects of
9 her injuries may become worse as she grows older.

10 61. As a further direct and proximate result of the negligence and carelessness of
11 Defendants, Plaintiff has incurred expenses for medical treatment; and may incur
12 additional medical expenses in the future.

13 62. As a further direct and proximate result of the negligence and carelessness of
14 Defendants, Plaintiff has incurred severe mental anguish, aggravation, and physical pain
15 and suffering.

16 63. As a direct and proximate result of the negligence of Defendants, Plaintiff
17 incurred property damage, veterinary expenses and possible future veterinary expenses
18 for her service dog.

19 WHEREFORE, Plaintiff respectfully requests an order against Defendants and its
20 assignees and successors-in-interest to include the following:

21 a. General damages in a just and reasonable sum under the AzDA and
22 Arizona common law.

23 b. Present and future special damages, including medical expenses and
24 property damage, in a just and reasonable sum, under the AzDA and
25 Arizona common law.
26

- c. A temporary injunction and a permanent injunction prohibiting Defendants from conducting business at the hospital until such time as the existing barriers to Plaintiff's access to the property are removed.
- d. An order directing Defendants to remove existing barriers to access and to make the Defendants' hospital accessible to and usable by individuals with disabilities as required by the ADA.
- e. An award of attorneys' fees, costs and litigation expenses pursuant to A.R.S. § 41-1492.09 (F).
- f. For interest on the above sums from the date of judgment until paid.
- g. Such other relief as the Court deems just and proper

RESPECTFULLY SUBMITTED THIS 16th day of June, 2015.

WILLIAM J. WALKER, P.C.
LAW OFFICE OF DAVID J. DON, PLLC

By: _____

William J. Walker

Attorneys for Plaintiff Leciah Laughton

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11 Email: billy@wiwatty.com
12 William J. Walker – I.D. #005337
13 *Attorneys for Plaintiff Leciah Laughton*

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JUN 17 2015



MICHAEL K. JEANES, CLERK
D. CONCHOS, JR.
DEPUTY CLERK

14
15 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
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17 **IN AND FOR THE COUNTY OF MARICOPA**

18 **LECIAH LAUGHTON**, a single woman,
19
20 Plaintiff,

21 vs.

22 **TENET HEALTHCARE**
23 **CORPORATION**, a Nevada corporation;
24 **VHS OF ARROWHEAD, INC.**, a Delaware
25 corporation dba **ABRAZO ARROWHEAD**
CAMPUS aka **ARROWHEAD HOSPITAL**;
ABRAZO HEALTH CARE, a company
owned and/or operated by Tenet Healthcare
Corporation; **THYSSENKRUPP**
ELEVATOR CORPORATION, a Delaware
corporation; **TIM RILEY**, an Arizona
resident; **JOHN DOES I-X**; **JANE DOES I-**
X; **TIM RILEY**, an individual; **ABC**
CORPORATIONS I-X; and **XYZ**
PARTNERSHIPS I-X,

Defendants.

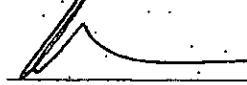
Case No. CV 2015-007482

**CERTIFICATE OF COMPULSORY
ARBITRATION**

1 The undersigned certifies that the largest award sought by the Complainant exceeds the
2 limits set by Local Rule for Compulsory Arbitration. This case is not subject to the Uniform
3 Rules of Procedure for Arbitration.

4 DATED this 16th day of June, 2015.

5
6 LAW OFFICE OF DAVID J. DON
WILLIAM J. WALKER, P.C.

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9 William J. Walker
Attorneys for Plaintiff
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**Service of Process
Transmittal**

06/24/2015

CT Log Number 527357251

TO: Debbie Fowler
Tenet Healthcare Corporation
1445 Ross Ave, Fountain Place, Suite 1400
Dallas, TX 75202-2703

RE: Process Served in Nevada

FOR: TENET HEALTHCARE CORPORATION (Domestic State: NV)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Leciah Laughton, etc., Pltff. vs. Tenet Healthcare Corporation, etc., et al., Dfts.
DOCUMENT(S) SERVED: Summons, Complaint, Certificate
COURT/AGENCY: Maricopa County - Superior Court, AZ
Case # CV2015007482
NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - On or about
06/20/13 - Arrowhead Hospital, 18701 N. 67th Avenue in Glendale, Arizona
ON WHOM PROCESS WAS SERVED: The Corporation Trust Company of Nevada, Carson City, NV
DATE AND HOUR OF SERVICE: By Process Server on 06/24/2015 at 14:15
JURISDICTION SERVED : Nevada
APPEARANCE OR ANSWER DUE: Within 30 days after service, exclusive of day of service
ATTORNEY(S) / SENDER(S): William J. Walker
William J. Walker, P.C.
2177 E. Warner Rd., Suite 107
Tempe, AZ 85284
480-829-1477
ACTION ITEMS: CT has retained the current log, Retain Date: 06/25/2015, Expected Purge Date:
06/30/2015
Image SOP
Email Notification, Debbie Fowler debbie.fowler@tenethealth.com
Email Notification, Olga Barnes olga.barnes@tenethealth.com
SIGNED: The Corporation Trust Company of Nevada
ADDRESS: 311 South Division Street
Carson City, NV 89703
TELEPHONE: 314-863-5545

EXHIBIT “B”

IN AND FOR THE COUNTY OF MARICOPA

1 the United States District Court for the District of Arizona. A copy of the Notice of Removal filed
2 July 14, 2015, is attached hereto as **Exhibit "A"**.

3
4 DATED this 14th day of July, 2015.

5 **CAMPBELL, YOST, CLARE & NORELL, P.C.**

6
7
8 By: /s/ Erica J. Krobot

9 Stephen C. Yost

10 Erica J. Krobot

11 3101 N. Central Ave., Suite 1200

12 Phoenix, AZ 85012

13 *Attorneys for Defendant Tenet Healthcare*
14 *Corporation and VHS of Arrowhead, Inc.*

15 PLEADING e-filed with the Court
16 this 14th day of July, 2015, and
17 electronically delivered to:

18 Hon. Randall Warner
19 Maricopa County Superior Court

20 **COPY** of the foregoing e-mailed this same day to:

21 David J. Don, PLLC
22 LAW OFFICE OF DAVID J. DON, PLLC
23 301 E. Bethany Home Rd., Suite B100
24 Phoenix, AZ 85012
25 David.don@azbar.org
26 *Attorneys for Plaintiff*

William J. Walker, Esq.
c/o WILLIAM WALKER, PC
2177 E. Warner Rd., Suite 107
Tempe, AZ 85284
billy@wjwatty.com
Attorneys for Plaintiff

1 /s/ T. Mills, PLS
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Tanya Mills

From: TurboCourt Customer Service <CustomerService@TurboCourt.com>
Sent: Tuesday, July 14, 2015 2:03 PM
To: Tanya Mills
Subject: AZTurboCourt E-Filing Courtesy Notification

PLEASE DO NOT REPLY TO THIS EMAIL.

A party in this case requested that you receive an AZTurboCourt Courtesy Notification.

AZTurboCourt Form Set #1482110 has been DELIVERED to Maricopa County.

You will be notified when these documents have been processed by the court.

Here are the filing details:

Case Number: CV2015-007482 (Note: If this filing is for case initiation, you will receive a separate notification when the case # is assigned.)

Case Title: Laughton Vs. Tenet Healthcare Corporation, Et.Al.

Filed By: Tanya Mills

AZTurboCourt Form Set: #1482110

Keyword/Matter #: 00067.118

Delivery Date and Time: Jul 14, 2015 2:03 PM MST

Forms:

Summary Sheet (This summary sheet will not be filed with the court. This sheet is for your personal records only.)

Attached Documents:

Notice of Removal to Federal Court: Notice of Filing Notice of Removal

Exhibit/Attachment (Supporting): Exhibit

EXHIBIT “A”

1 Stephen C. Yost (011149)
 2 Erica J. Krobot (021748)
 3 CAMPBELL, YOST, CLARE & NORELL, P.C.
 3101 N. Central Ave., Suite 1200
 4 Phoenix, AZ 85012
 (602) 322-1600
 5 (602) 322-1604 - fax
 6 Email: syost@cycn-phx.com
Attorneys for Defendant Tenet Healthcare Corporation and VHS of Arrowhead, Inc.

7
 8 **IN THE UNITED STATES DISTRICT COURT**
 9 **FOR THE DISTRICT OF ARIZONA**

10 LECIAH LAUGHTON, a single woman,

11 Plaintiff,

12 vs.

13
 14 TENET HEALTHCARE CORPORATION, a Nevada
 15 corporation; VHS OF ARROWHEAD, INC. a Delaware
 16 corporation dba ABRAZO ARROWHEAD CAMPUS aka
 17 ARROWHEAD HOSPITAL; ABRAZO HEALTH CARE,
 18 a company owned and/or operated by Tenet
 19 HEALTHCARE Corporation; THYSSENKRUPP
 20 ELEVATOR CORPORATION, a Delaware corporation;
 21 TIM RILEY, an Arizona resident; JOHN DOES I-X; JANE
 22 DOES I-X; TIM RILEY, an individual; ABC
 23 CORPORATIONS I-X; and XYZ PARTNERSHIPS I-X,
 24 Inc.;

25 Defendants.

)
) NO. _____
)
) **NOTICE OF REMOVAL**
) **OF MARICOPA**
) **COUNTY SUPERIOR**
) **COURT CASE NO.**
) **CV2015-007482 TO THE**
) **UNITED STATES**
) **DISTRICT COURT**

26
 27 Defendants Tenet Healthcare Corporation; VHS of Arrowhead, Inc. aka Arrowhead
 28 Hospital; and Abrazo Health Care ("Defendants"), by and through undersigned counsel and
 29 pursuant to 28 U.S.C §1446 (A) and Rule 3.6, Rules of Practice of the United States District Court
 30 for the District of Arizona, submit their Notice of Removal of the above-captioned case, cause

number CV2015-007482, from the Arizona Superior Court, Maricopa County, to this Court, and in support of removal assert the following:

1. On June 17, 2015, Plaintiff filed her Complaint against Defendants under caption *LECIAH LAUGHTON, Plaintiff v. TENET HEALTHCARE CORPORATION, a Nevada Corporation; VHS OF ARROWHEAD, INC., Delaware Corporation dba ABRAZO ARROWHEAD CAMPUS aka ARROWHEAD HOSPITAL; ABRAZO HEALTH CARE, a company owned and/or operated by Tenet Healthcare corporation; THYSSENKRUPP ELEVATOR CORPORATION; a Delaware corporation; TIM RILEY, an Arizona resident; JOHN DOES I-X; JANE DOES I-X; ABC CORPORATIONS I-X; and XYZ PARTNERSHIPS I-X; Defendants*, No. CV2015-0007842. A copy of the Complaint and all other documents previously filed in this matter and served on Defendants are attached hereto as **Exhibit "A"**.

2. Defendants have not pled, answered or otherwise appeared in the action.

3. This Notice of Removal is filed within 30 days after service of the Complaint and is therefore filed under 28 U.S.C. §1446(b)

4. The lawsuit filed in Maricopa County, among other claims, alleges violations of Arizona's with Disabilities Act ("AzDA"), A.R.S. §41-1492, and expressly alleges incorporates standards of Title III of the Americans with Disabilities Act, 42 U.S.C. §12181, et seq. ("ADA"), as well as state law of negligence, and is brought pursuant to same.

5. By reason of the above facts, (a) the United States District Court has original jurisdiction of the civil actions pursuant to 28 U.S.C. §1331, because one or more claims asserted

1 by the Plaintiff arises under the Constitution, laws, or treaties of the United States; and (b) the case
 2 is removable pursuant to 28 U.S.C. §1441.
 3

4 6. Notice of Filing of Notice of Removal, a true and correct copy of which is attached
 5 as **Exhibit "B,"** has been filed in the Arizona Superior Court, County of Maricopa, on behalf of
 6 Defendants.
 7

8 WHEREFORE, Defendants respectfully request that the above action now pending in the
 9 Arizona Superior Court, Maricopa County, be removed to this Court.

10 RESPECTFULLY SUBMITTED this 14th day of July, 2015.
 11

12 **CAMPBELL, YOST, CLARE & NORELL, P.C.**

13 By: /s/ Erica J. Krobot
 14

15 Stephen C. Yost

16 Erica J. Krobot

17 3101 N. Central Ave., Suite 1200

18 Phoenix, AZ 85012

19 *Attorneys for Defendant Tenet Healthcare
 20 Corporation and VHS of Arrowhead, Inc.*

21 CERTIFICATE OF SERVICE
 22

23 I hereby certify that on July 14, 2015 I caused the foregoing document to be
 24 electronically transmitted to the Clerk's Office using the CM/ECF System for filing and
 25 transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:
 26

David J. Don, PLLC

LAW OFFICE OF DAVID J. DON, PLLC

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Phoenix, AZ 85012

David.don@azbar.org

Attorneys for Plaintiff

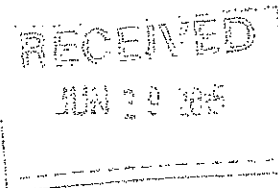
1 William J. Walker, Esq.
2 c/o WILLIAM WALKER, PC
3 2177 E. Warner Rd., Suite 107
4 Tempe, AZ 85284
5 billy@wjwtty.com
6 *Attorneys for Plaintiff*

7 /s/ T. Mills, PLS
8
9
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EXHIBIT “A”

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 William J. Walker - I.D. #005337
 Attorneys for Plaintiff Leciah Laughton.



IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

CV 2015-007482

LECIAH LAUGHTON, a single woman,

Case No. _____

Plaintiff,

SUMMONS

vs.

TENET HEALTHCARE
 CORPORATION, a Nevada corporation;
 VHS OF ARROWHEAD, INC., a Delaware
 corporation dba ABRAZO ARROWHEAD
 CAMPUS aka ARROWHEAD HOSPITAL;
 ABRAZO HEALTH CARE, a company
 owned and/or operated by Tenet Healthcare
 Corporation; THYSSENKRUPP
 ELEVATOR CORPORATION, a Delaware
 corporation; TIM RILEY, an Arizona
 resident; JOHN DOES I-X; JANE DOES I-
 X; TIM RILEY, an individual; ABC
 CORPORATIONS I-X; and XYZ
 PARTNERSHIPS I-X,

Defendants.

If you would like legal advice from a lawyer,
 contact the Lawyer Referral Service at
 602-257-4434

or

www.maricopalawyers.org

Sponsored by the
 Maricopa County Bar Association

TENET HEALTHCARE CORPORATION

C/o The Corporation Trust Company of Nevada, Statutory Agent
 311 South Division Street
 Carson City, Nevada 89703

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time applicable in this action in this Court. If served within Arizona, you shall appear and defend within 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona - whether by direct service, by registered or certified mail, or by publication - you shall appear and defend within 30 days after the service of the Summons and Complaint upon you is complete, exclusive of the day of service. Where process is served upon the Arizona Director of Insurance as an insurer's attorney to receive service of legal process against it in this state, the insurer shall not be required to appear, answer or plead until expiration of 40 days after date of such service upon the Director. Service by registered or certified mail without the State of Arizona is complete 30 days after the date of filing the receipt and affidavit of service with the Court. Service by publication is complete 30 days after the date of first publication. Direct service is complete when made. Service upon the Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of Compliance and return receipt or Officer's Return.

YOU ARE HEREBY NOTIFIED that in case of your failure to appear and defend within the time applicable, judgment by default may be rendered against you for the relief demanded in the Complaint.

YOU ARE CAUTIONED that in order to appear and defend, you must file an Answer or proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee, within the time required, and you are required to serve a copy of any Answer or response upon the Plaintiff[s]' attorney.

The names and addresses of Plaintiff(s)' attorneys are:

David J. Don
LAW OFFICE OF DAVID J. DON, PLLC
 301 E. Bethany Home Rd. #B100
 Phoenix, Arizona 85012

William J. Walker
WILLIAM J. WALKER, P.C.
 2177 E. Warner Rd. #107
 Tempe, Arizona 85284

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a scheduled proceeding. Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

1 SIGNED AND SEALED this Date: _____

CCPY

2 _____
3 Clerk

JUN 17 2015

4 By

Deputy Clerk



MICHAEL N. JEANES, CLERK

D. CONCHOLAR
DEPUTY CLERK

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 William J. Walker – I.D. #005337
 Attorneys for Plaintiff Leciah Laughton

COPY

JUN 17 2015



MICHAEL K. JEANES, CLERK
 D. CONCHOLAR
 DEPUTY CLERK

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

LECIAH LAUGHTON, an individual,
 Plaintiff,

vs.

TENET HEALTHCARE CORPORATION,
 a Nevada corporation; **VHS OF**
ARROWHEAD INC., Delaware
 corporation dba **ABRAZO ARROWHEAD**
CAMPUS aka **ARROWHEAD**
HOSPITAL; **ABRAZO HEALTH CARE**, a
 company owned and/or operated by
 Tenet Healthcare corporation;
THYSSENKRUPP ELEVATOR
CORPORATION, a Delaware
 corporation; **TIM RILEY**, an Arizona
 resident; **JOHN DOES I-X**; **JANE DOES**
I-X; **ABC CORPORATIONS I-X**; and **XYZ**
PARTNERSHIPS I-X,

Defendants.

Case No.: CV 2015-007482

COMPLAINT

1 Plaintiff, Leciah Laughton ("Plaintiff"), sues Defendants for compensatory
2 damages, injunctive relief, attorneys' fees and costs pursuant to the Arizona
3 Disabilities Act (AzDA), A.R. S. § 41- 1492, *et seq.* and Arizona common law of
4 negligence.

5 JURISDICTION AND VENUE

6
7 1. This action arises from violations of the Arizona with Disabilities Act
8 ("AzDA"), A.R. S. § 41- 1492, *et seq.*, which incorporates the standards of Title III of the
9 Americans with Disabilities Act, 42 U.S.C. § 12181, *et seq.* ("ADA"), and Arizona state
10 law of negligence.

11 2. Defendants have caused Plaintiff to suffer injuries at a property known as the
12 "Arrowhead Community Hospital," located at or about 18701 N. 67th Avenue in Glendale,
13 Arizona.

14 3. Defendant Tenet Healthcare Corporation is a Nevada corporation and upon
15 belief the parent corporation of Abrazo Health Care. Defendant VHS of Arrowhead Inc. is
16 a Delaware corporation. Defendant Abrazo Health Care is a parent company of
17 Defendant Tenet Healthcare Corporation. On information and belief, these Defendants
18 Tenet Healthcare Corporation, VHS of Arrowhead Inc., Abrazo Health Care and/or its
19 subsidiary are doing business as Arrowhead Community Hospital (hereinafter
20 Defendants Arrowhead Hospital) and own, operate, lease or lease to others the
21 Arrowhead Community Hospital.
22

23 4. Defendant ThyssenKrupp Elevator Corporation ["ThyssenKrupp"] is a
24 Delaware corporation, authorized to do and doing substantial business in Maricopa
25 County, State of Arizona. Defendant ThyssenKrupp acting through its agents and/or
26

1 servants and/or employees caused an event to occur in the State of Arizona, which is the
2 subject of this lawsuit.

3 5. Defendant Tim Riley is an Arizona resident. Upon belief he is employed by
4 other Defendants as the Director of Facility Service at Arrowhead Hospital.

5 6. Defendants John Does I-X, Jane Does I-X, ABC Corporations I-X, and XYZ
6 Partnerships I-X are various individuals, corporations, partnerships, officers, principals,
7 affiliates, trustees, trainees, employees, partners, agents, or representatives of the
8 named Defendants herein, who have contributed to the negligence alleged herein. The
9 true names of the fictitious Defendants are unknown to the Plaintiff at this time and at
10 such time as the true names of said Defendants are ascertained, Plaintiff will seek leave
11 of this Court to substitute them for the fictitious name in which they are sued.

12 7. Venue is proper as the property which is the subject matter of this claim is
13 located in Maricopa County, Arizona and the Defendant is doing business in Maricopa
14 County, Arizona.

15 8. The amount in controversy exceeds the minimal jurisdictional limits of this
16 Court.

17 PLAINTIFF AND STANDING

18 9. Plaintiff, Leciah Laughton, is an Arizona resident. She suffers from medical
19 conditions that compromise her ability to ambulate. She requires assistive devices for
20 mobility. She is disabled under the meaning of the AzDA.

21 10. Plaintiff resides in Maricopa County, Arizona and travels to Defendant's
22 property for medical treatment and to visit patients. Plaintiff has visited the Defendants'
23 hospital a number of times for treatment and for visiting patients including on or about
24
25
26

1 June 20, 2013, to enjoy the goods and services at the hospital as Defendant offers them
2 to non-disabled members of the public.

3 11. Plaintiff plans to return to the Defendant's hospital to enjoy the goods,
4 services, privileges, advantages or accommodations being offered to non-disabled
5 members of the public, but is deterred from returning because of discriminatory
6 conditions on the property.

7
8 12. As a result of Defendants' AzDA violations and negligence, Plaintiff suffered
9 serious physical injuries. In addition, Plaintiff has suffered an injury under the AzDA
10 because she is aware of discriminatory conditions on the property and is being deterred
11 from visiting or patronizing the public accommodations.

12 13. Plaintiff's injury under the AzDA is concrete and particularized because she is
13 being deterred from visiting or patronizing the hospital.

14 14. Plaintiff's injury is caused as a direct result of Defendant's failure to construct
15 the property in compliance with the AzDA and its failure to remove discriminatory
16 architectural features on the property.

17 15. Plaintiff's injury will be redressed by the Court's ordering the Defendants to
18 comply with the AzDA and fully compensating her for her damages.

19
20 **STATEMENT OF THE CLAIM**

21 16. On June 20, 2013, Defendants Arrowhead Hospital invited members of the
22 public, including Ms. Laughton, to patronize their property.

23 17. Plaintiff entered the hospital to visit a patient. She was pushing a wheelchair,
24 along with her ventilator. She was accompanied by her two service dogs.

1 18. Unknown to Ms. Laughton, on June 19, 2013, Defendants Arrowhead
2 Hospital had placed Service Request Number 4730998 to ThyssenKrupp to repair the
3 lobby elevator after the doors closed on a patient. The Defendant Tim Riley knew or
4 should have known that the service request for the elevator had been made.

5 19. Despite knowing the elevator was malfunctioning, Defendants Arrowhead
6 Hospital and Tim Riley chose to keep the elevator in operation.

7 20. Defendants Arrowhead Hospital and Defendant Tim Riley knew, or had
8 reason to know, the elevator doors could close upon another person prior to the elevator
9 being repaired.
10

11 21. Not having received any warning from Defendants about the malfunctioning
12 elevator, Ms. Laughton entered the elevator in the main foyer with her two (2) service
13 dogs, and proceeded to the second floor.

14 22. Unable to get to the telemetry unit through the labor and delivery ward,
15 Plaintiff did not exit the elevator. She and her two (2) service dogs returned to the ground
16 floor.
17

18 23. Once Plaintiff was on the ground floor, Levi, her lead service dog, was
19 instructed to lead the way out.

20 24. On her service dog's way out, the elevator doors closed and crushed him.

21 25. The automatic opening mechanism, which Defendants were required to
22 provide, was not provided to Ms. Laughton.

23 26. Plaintiff was able to hit the open button and the alarm button; however, the
24 doors began opening and closing at a fast rate, continuing to crush her service dog.
25
26

1 27. As she was in fear of her service dog's life, Plaintiff was able to wedge her
2 body between the doors, in an attempt to have the doors stop.

3 28. However, the doors kept on opening and closing, this time crushing Plaintiff's
4 shoulders, neck, head, and jaw.

5
6 **COUNT ONE**

7 **(Arizonans with Disabilities Act- Defendants Tenet Healthcare Corporation,**
8 **VHS of Arrowhead Inc., Abrazo Health Care)**

9 29. Plaintiff incorporates all the paragraphs above.

10 30. Defendants' hospital is a place of public accommodation

11 31. Each Defendant has received notice long ago of its obligation to comply with
12 the AzDA and the required standard of the ADA. Defendants had actual and constructive
13 notice of its obligations under the AzDA and the requirements of the ADA since 1993:
14 Actual notice by virtue of notification provided by the Arizona legislature; constructive
15 notice by virtue of the enactment of the ADA and the standards of AzDA and the
16 associated publicity.

17 32. The purpose of providing accessible accommodations to people with
18 disabilities is to provide safe access for all people to participate in public life and thus
19 eradicate the harmful effects of disability discrimination.

20 33. Arizona legislatures recognize that "More than fourteen per cent of Arizonans
21 have one or more physical or mental disabilities, and this percentage is increasing as the
22 population as a whole is growing older. Historically, society has tended to isolate and
23 segregate individuals with disabilities, and, despite some improvements, such forms of
24 discrimination against individuals with disabilities continue to be a serious and pervasive
25 social problem. Discrimination against individuals with disabilities persists in critical areas
26

1 of public accommodations, transportation and access to public services." A.R.S. T. 41,
 2 Ch. 9, Art. 8, Refs & Annos.

3 34. Therefore, the Arizona legislature passed the AzDA to "[p]rovide a clear and
 4 comprehensive state mandate for the elimination of discrimination against individuals with
 5 disabilities." A.R.S. T. 41, Ch. 9, Art. 8, Refs & Annos.

6 35. Defendants have an affirmative obligation to identify the architectural barriers,
 7 policy and practices, and absence of medical equipment on its property that discriminate
 8 against people with disabilities.
 9

10 36. Defendants are operating the hospital with numerous architectural barriers.
 11 Among the most easily recognized architectural barriers to access encountered by
 12 Plaintiff at the hospital include:

13 a. Some of the "accessible" parking spaces (for example, along 67th Avenue),
 14 have slopes in excess of the 2.08% maximum.

15 ADAAG Reference:
 16 1991 Standards: 4.6.3
 2010 Standards: 502.4

17 b. In a number of locations, the bottom of the "accessible" parking space
 18 signage is mounted at less than the 60" minimum from the ground surface to the
 bottom of the sign.

19 ADAAG Reference:
 20 1991 Standards: 4.6.4
 2010 Standards: 502.6

21 c. Some of the parking access aisles at designated accessible parking spaces
 22 (for example, along 67th Avenue), have widths of 42" or narrower, less than the
 23 60" minimum.

24 ADAAG Reference:
 25 1991 Standards: 4.1.2(5)(a)
 26 2010 Standards: 502.3.1

d. In the women's restroom in the main hospital lobby, the exposed pipes underneath the lavatory are missing required insulation.

ADAAG Reference:

1991 Standards: 4.19.4

2010 Standards: 606.5

e. In the women's restroom in the main hospital lobby, the paper towel dispenser and other restroom dispensers are located at a height in excess applicable reach ranges.

ADAAG Reference:

1991 Standards: 4.22.7, 4.2

2010 Standards: 606.1, 308.2

f. In the hotel lobby, the provided elevator door failed to open automatically for obstructions.

ADAAG Reference

4.10.6.

g. Failure to provide accessible examination rooms, examination tables, and/or other medical equipment for people with mobility impairments.

37. These barriers and others deter Plaintiff from visiting the property because they are hurtful and demeaning symbols of discrimination and they increase the level of difficulty for Ms. Laughton's physical access.

38. The identification of barriers listed above is far from comprehensive. Since most barriers involve a matter of mere inches or degrees, by their very nature, Plaintiff requires a site inspection with unfettered access to the property with tools such as a tape measure, slope reader and note pad to provide a comprehensive list of barriers that should be removed.

39. Defendants have, upon belief, restriped and/or resurfaced or otherwise altered the parking spaces, access aisles and parking lot at the hospital since 1993.

40. In addition, Defendants have, upon belief, resurfaced and/or renovated or otherwise altered the sidewalks, ramps, routes and other elements at the hospital since

1 1993, including the area of Ms. Laughton's injury.

2 41. Defendants have further, upon belief, altered portions of the interior of the
3 hospital, including the restrooms, and dining areas since 1993.

4 42. As a direct result of Defendants' conduct, Plaintiff has suffered
5 discrimination in the full and equal enjoyment of the goods, services, facilities, privileges,
6 advantages, or accommodations at Defendants' property on the basis of disability.

7 43. Defendants are subjecting Plaintiff to discrimination in some or all of the
8 following ways, namely:

9
10 a. denying Plaintiff the opportunity to participate in or benefit from Defendants'
11 business;

12 b. affording Plaintiff a benefit that is unequal to that afforded to other people,

13 c. providing Plaintiff with a separate benefit,

14 d. failing to provide Plaintiff with the most integrated setting appropriate,

15 e. denying Plaintiff the opportunity to participate in Defendants' programs or
activities that are not separate.

16 f. failing to make reasonable modifications in policies, practices or procedures
17 that would help people with disabilities.

18 g. failing to remove architectural barriers that are structural in nature that are
readily achievable.

19 h. failing to design or construct a facility that is readily accessible to and
20 useable by people with disabilities in accordance with the requirements of the ADAAG.

21 44. Defendants failed to alter its property to ensure that, to the maximum extent
22 feasible, the altered portions comply with ADAAG and are readily accessible to and
23 usable by individuals with disabilities, including individuals with mobility impairments.

24 45. Defendants are obligated to remove barriers which impair a disabled
25 person's access to the use and enjoyment of the Defendants' hospital.

26

1 46. Removal of each discriminatory barrier is readily achievable, i.e., easily
2 accomplishable and able to be carried out without much difficulty or expense.

3 47. No condition exists on the property making it structurally impracticable for
4 Defendants to satisfy in full the requirements of the ADAAG.

5 48. Plaintiff will suffer continued discrimination if the barriers to access existing
6 at Defendants' property are not removed.

7 49. As a direct and proximate result of the disability discrimination of Defendant
8 herein, Plaintiff has suffered, and continues to suffer, physical and mental injury,
9 including but not limited to, pain and discomfort, the exact nature of which will be shown
10 with specificity upon the trial hereof.

11 50. As a direct and proximate result of the disability discrimination of the
12 Defendant, Plaintiff has sustained, and will continue to sustain, medical expenses and
13 other expenses, the exact amount of which will be shown with specificity upon the trial
14 hereof.
15

16 **COUNT TWO**

17 **(Negligence – Tenet Healthcare Corporation, VHS of Arrowhead Inc., Abrazo Health**
18 **Care, ThyssenKrupp, Tim Riley)**

19 51. Plaintiff incorporates all the paragraphs above.

20 52. At all times mentioned, Defendants had a duty to the patients and visitors of
21 Arrowhead Community Hospital, including Plaintiff, to act reasonably and keep and
22 maintain the property in a reasonably safe condition for the use of its patients and
23 visitors.
24

25 53. Defendants owed a duty of care to Plaintiff to keep the property free of
26 unreasonably dangerous conditions that could cause injuries. Defendants knew or

1 should have known of the malfunctioning elevator should have reasonably anticipated
2 that hazardous injuries would arise.

3 54. Further, Defendants had a duty to warn Plaintiff of any unsafe conditions, a
4 duty to inspect the property for unsafe conditions, and a duty to take reasonable
5 precautions to protect the Plaintiff.

6 55. At such time and place, Defendants negligently controlled, maintained, and
7 managed the malfunctioning elevator as to negligently fail to protect Plaintiff and her
8 service dog from being injured.

9 56. Defendants further negligently failed to warn Plaintiff of any danger to which
10 the Plaintiff and her service dogs were exposed to, which danger Defendants knew, or in
11 the exercise of reasonable care should have known to exist, so as to allow Plaintiff and
12 her service dog to be struck by the malfunctioning elevator, resulting in severe and
13 possibly permanent injuries.

14 57. The injuries to Plaintiff and her service dog were caused solely by
15 Defendants' negligent failure to comport with the standard of care owed to Plaintiff, to
16 keep the property reasonably free of conditions, which could cause injuries.

17 58. The negligence of Defendants at the above time and place among other
18 things consisted of the following:

- 19
- 20
- 21 a. Carelessly and negligently permitting and allowing a malfunctioning elevator to
22 remain accessible on the property;
- 23 b. Failing properly to maintain the property, particularly as to the elevators in a
24 safe condition for its patients and visitors;
- 25 c. Failing to warn patients and visitors alike as to the malfunctioning elevator;
- 26

1 d. Failing to comply with the Arizonaans with disabilities act; and

2 e. Failing to properly and adequately supervise and oversee the elevators as
3 to prevent hidden dangers on its property.

4 59. As a direct and proximate result of the negligence, Plaintiff has incurred
5 severe and possible permanent injuries, which have caused her to suffer great pain and
6 has injured her general health.

7 60. As a further direct and proximate result of the negligence of Defendants,
8 Plaintiff's injuries may be permanent and that in all reasonable probability the effects of
9 her injuries may become worse as she grows older.

10 61. As a further direct and proximate result of the negligence and carelessness of
11 Defendants, Plaintiff has incurred expenses for medical treatment; and may incur
12 additional medical expenses in the future.

13 62. As a further direct and proximate result of the negligence and carelessness of
14 Defendants, Plaintiff has incurred severe mental anguish, aggravation, and physical pain
15 and suffering.

16 63. As a direct and proximate result of the negligence of Defendants, Plaintiff
17 incurred property damage, veterinary expenses and possible future veterinary expenses
18 for her service dog.

19 WHEREFORE, Plaintiff respectfully requests an order against Defendants and its
20 assignees and successors-in-interest to include the following:

21 a. General damages in a just and reasonable sum under the AzDA and
22 Arizona common law.

23 b. Present and future special damages, including medical expenses and
24 property damage, in a just and reasonable sum, under the AzDA and
25 Arizona common law.
26

- c. A temporary injunction and a permanent injunction prohibiting Defendants from conducting business at the hospital until such time as the existing barriers to Plaintiff's access to the property are removed.
- d. An order directing Defendants to remove existing barriers to access and to make the Defendants' hospital accessible to and usable by individuals with disabilities as required by the ADA.
- e. An award of attorneys' fees, costs and litigation expenses pursuant to A.R.S. § 41-1492.09 (F).
- f. For interest on the above sums from the date of judgment until paid.
- g. Such other relief as the Court deems just and proper

RESPECTFULLY SUBMITTED THIS 16th day of June, 2015.

WILLIAM J. WALKER, P.C.
LAW OFFICE OF DAVID J. DON, PLLC

By: 

William J. Walker
Attorneys for Plaintiff Leciah Laughton

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 12 William J. Walker - I.D. #005337
 13 Attorneys for Plaintiff Leciah Laughton

COPY

JUN 17 2015



MICHAEL K. JEANES, CLERK
 D. CONCHOS, AR
 DEPUTY CLERK

14 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

15 **IN AND FOR THE COUNTY OF MARICOPA**

16 **LECIAH LAUGHTON**, a single woman,

17 Plaintiff,

18 vs.

19 **TENET HEALTHCARE**
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 21 **VHS OF ARROWHEAD, INC.**, a Delaware
 22 corporation dba **ABRAZO ARROWHEAD**
 23 **CAMPUS** aka **ARROWHEAD HOSPITAL**;
 24 **ABRAZO HEALTH CARE**, a company
 25 owned and/or operated by Tenet Healthcare
 Corporation; **THYSSENKRUPP**
ELEVATOR CORPORATION, a Delaware
 corporation; **TIM RILEY**, an Arizona
 resident; **JOHN DOES I-X**; **JANE DOES I-**
X; **TIM RILEY**, an individual; **ABC**
CORPORATIONS I-X; and **XYZ**
PARTNERSHIPS I-X,

Defendants.

Case No. CV 2015-007482

**CERTIFICATE OF COMPULSORY
 ARBITRATION**


**Service of Process
Transmittal**

06/24/2015

CT Log Number 527357251

TO: Debbie Fowler
Tenet Healthcare Corporation
1445 Ross Ave, Fountain Place, Suite 1400
Dallas, TX 75202-2703

RE: Process Served in Nevada

FOR: TENET HEALTHCARE CORPORATION (Domestic State: NV)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Leciah Loughton, etc., Pltf. vs. Tenet Healthcare Corporation, etc., et al., Dfts.

DOCUMENT(S) SERVED: Summons, Complaint, Certificate

COURT/AGENCY: Maricopa County - Superior Court, AZ
Case # CV2015007482

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - On or about 06/20/13 - Arrowhead Hospital, 18701 N. 67th Avenue in Glendale, Arizona

ON WHOM PROCESS WAS SERVED: The Corporation Trust Company of Nevada, Carson City, NV

DATE AND HOUR OF SERVICE: By Process Server on 06/24/2015 at 14:15

JURISDICTION SERVED : Nevada

APPEARANCE OR ANSWER DUE: Within 30 days after service, exclusive of day of service

ATTORNEY(S) / SENDER(S): William J. Walker
William J. Walker, P.C.
2177 E. Warner Rd., Suite 107
Tempe, AZ 85284
480-829-1477

ACTION ITEMS: CT has retained the current log, Retain Date: 06/25/2015, Expected Purge Date: 06/30/2015
Image SOP
Email Notification, Debbie Fowler debbie.fowler@tenethealth.com
Email Notification, Olga Barnes olga.barnes@tenethealth.com

SIGNED: The Corporation Trust Company of Nevada

ADDRESS: 311 South Division Street
Carson City, NV 89703

TELEPHONE: 314-863-5545